

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREW LEE-LEO HILL, *et al.*,

Plaintiffs,

Case No. 20-cv-13440
Hon. Matthew F. Leitman

v.

GRETCHEN WHITMER,
HEIDI WASHINGTON, and
JOHN CHRISTIANSEN,

Defendants.

**ORDER (1) GRANTING PLAINTIFFS' MOTION FOR
RECONSIDERATION (ECF No. 18) AND (2) REINSTATING
CLAIMS OF PLAINTIFF GARY DUBICKE**

Plaintiffs Andrew Lee-Leo Hill, Ramon Caldwell, and Gary Dubicke are state prisoners in the custody of the Michigan Department of Corrections (the "MDOC"). On December 22, 2020, Plaintiffs jointly filed a civil-rights Complaint against, among others, Defendant John Christiansen, the Warden at the Central Michigan Correctional Facility (the "CMCF"). (*See* Compl., ECF No. 1.) Christiansen is the only remaining Defendant in this action. In the Complaint, Plaintiffs assert several claims arising out of the conditions of their confinement at the CMCF. (*See id.*)

On September 7, 2021, the Court issued an order directing the Plaintiffs to show cause why the Complaint should not be dismissed (the "Show Cause Order"). (*See* Show Cause Order, ECF No. 12.) The Court instructed Plaintiffs to explain

how each Defendant was personally involved in the alleged unconstitutional conduct identified in the Complaint. (*See id.*) It appeared to the Court that Plaintiff Dubicke had not responded to the Show Cause Order as directed. Accordingly, the Court dismissed him from this action. (*See Order*, ECF No. 16.)

Plaintiffs have now filed a motion for reconsideration in which they ask the Court to reinstate Dubicke's claims. (*See Mot.*, ECF No. 16.) Plaintiffs point out that while Dubicke did not file his own separate response to the Show Cause Order, he did submit a sworn affidavit in support of his claims that was included with Defendant Lee-Leo Hill's response to that order. (*See Dubicke Aff.*, ECF No. 13, PageID.85-86.)

The Court will deem Dubicke's affidavit as a sufficient response to the Show Cause Order, and it will restore him as a Plaintiff in this action. Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs' motion for reconsideration (ECF No. 16) is **GRANTED** and Dubicke's claims against Defendant Christiansen are **REINSTATED**.

Dated: February 22, 2022

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 22, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126